

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26517 OF 2005

Dt.14.12.2005

Between:

P.Veerabhadram ... Petitioner

And

The Deputy Commissioner of Prohibition and

Excise, Warangal Division, Warangal. ... Respondent

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

It is stated that the petitioner is the owner of auto rickshaw bearing No.AP 20V 5949 which was seized in connection with Crime No.622/2004-05 dated 5.9.2004 for the offence under Section 7(A) read with 8(e) of A.P.Prohibition Act, 1995. In so far as criminal offence is concerned, the S.H.O., Prohibition and Excise Station, Khammam launched criminal prosecution in C.C.No.73 of 2005 on the file of the Special Judicial Magistrate of First Class at Khammam. In so far as confiscation proceedings are concerned, the said vehicle was produced before the Deputy Commissioner of Prohibition and Excise, Warangal Division, who is the competent authority to deal with the confiscation proceedings. It is stated that criminal proceedings in C.C.No.73 of 2005 were ended in acquittal in favour

of the petitioner holding that the accused have not committed any offence. Based on the said judgment dated 17.10.2005 in C.C.No.73 of 2005, this writ petition has been filed seeking a direction to the respondent to release the FDR furnished by him for the release of the vehicle.

Admittedly, the vehicle of the petitioner has been produced before the respondent and the same was released in favour of the petitioner on furnishing bank guarantee vide proceedings dated 8.11.2004. Merely because the criminal case is ended in acquittal, it cannot be a ground for automatic release of the vehicle or release of the bank guarantee in view of the fact that the confiscation proceedings are pending before the concerned authority. Two different proceedings are contemplated under the A.P.Prohibition Act 1995 as well as under A.P.Excise Act 1968.

Having regard to the facts and circumstances of the case, the petitioner is not entitled for the relief in this writ petition. The writ petition is accordingly dismissed with liberty to the petitioner to approach the respondent for finalization of the confiscation proceedings. However, the respondent is directed to dispose of the said proceedings pending before him as expeditiously as possible preferably within eight weeks from the date of receipt of a copy of this order after giving reasonable opportunity to the petitioner, in accordance with law. No costs.

(V.ESWARAIAH, J.)

14.12.2005

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